

REMARKS/ARGUMENTS

This amendment as in response to the Official Action mailed July 5, 2002. A request for continued examination of this application is enclosed herewith. Applicant also has submitted corrected drawing sheets 2, 6, 8, 12 and 13 with this response.

The Examiner rejected claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of Applicant's invention. The Examiner contends that a number of words and phrases in the claim are ambiguous or unclear. By this Amendment, Applicant has deleted or clarified all of these words and phrases.

The Examiner also objected to the word "indicia" in claim 28. Applicant has replaced this word with "downloading information," and the nature of this "downloading information" is further specified in the claim. In addition, the Examiner stated that "there is no description in the specification, other than a repeat of the claims, of 'received-contents-specifying information,' 'contents-identifying information' nor 'distribution-service-identifying information.'" Applicant has deleted all of these phrases and replaced them with terms clearly specifying the claimed invention and fully supported by the specification.

The Examiner rejected claims 1, 4-7, 9, 10, 13-16, 18, 19, 22-25 and 27 under 35 U.S.C. § 102(b) as being anticipated by *Stefik*. Claims 1, 10 and 19 are independent, and the remaining claims depend upon either claim 1, 10 or 19. *Stefik* discloses a system in which digital works are transmitted between a first repository and a second repository. The transmitting repository "checks the usage rights associated with the digital work to determine if the access to the digital work

may be granted" before transmitting the work to the receiving repository. (*Stefik*, col. 7, lines 35-47.) As discussed in Applicant's response mailed April 3, 2002, the granting or denying of access to a digital work based upon usage rights is not "copyright management." Copyright management, as explained in that response and as used in Applicant's specification, is the management of the obligations owed to the owners of the copyrights in digital works as a result of the downloading of these works at the receiving side.

In the Official Action, the Examiner states that Applicant's argument "that '*Stefik* neither discloses nor suggests such a copyright management means' is understood" but that such limitations are not in the claim. By this amendment, Applicant has amended claim 1 to specify that the copyright management means includes means for "calculating a copyright payment due each owner of the copyrights for the selected copyrighted works." Claims 10 and 19 have been similarly amended. As discussed above, *Stefik* neither discloses nor suggests any such copyright management. Claims 1, 10 and 19, therefore, and the claims that depend upon these claims, are patentable over *Stefik*.

The Examiner rejected claims 28-51 under 35 U.S.C. § 102(e) as being anticipated by *Iida*. Claims 28 and 40 are independent, and the remaining claims depend upon either claim 28 or 40. *Iida* discloses a system for distributing copyrighted works and managing certain aspects of the obligations owed to the owners of the copyrights in those works. In *Iida*, however, all of the accounting functions relating to the transaction between the party receiving the copyrighted work and the party transmitting the copyrighted work are carried out at the distribution side (the "backchannel company") after the downloading has occurred. See, for example, *Iida* at col. 15, lines 42-49. As a result, the receiving party can download the

copyrighted work and copyright management for the downloaded work can be carried out before authorization for the downloading is confirmed and the receiving party's account is debited. If the downloading was not authorized or debiting of the receiving party's account is refused, the steps taken for copyright management must be reversed or payment will be made to copyright holders for which no compensation is received by the distributor.

As discussed in Applicant's specification, one method for managing copyrights and the accounting for downloading of the copyrighted works is the "FLAT accounting method for a music broadcasting channel." (P. 3.) "In this method, when the user pays a flat monthly charge, the user can watch a plurality of music broadcasting channels" and download "all broadcasted musical pieces." (*Id.*) Since the distribution side does not know which musical pieces are in fact downloaded, however, some copyright holders under this "flat accounting method" are over compensated and others are under compensated.

Applicant's invention solves many of these problems. In Applicant's invention, the receiving side includes an individualized deciphering key for authorizing the downloading and an IC card (IC card 65 in FIGURE 13) that stores this deciphering key and is debited upon downloading. A customer management center (customer management center 6 in FIGURE 1) assists in the accounting function. As a result, all of the authorization and accounting functions for the downloading are completed outside of the distribution center. The information transmitted to the distribution side from the receiving side and customer management center, in addition to identifying the downloaded copyrighted work, indicates that the downloading was authorized and that the accounting for the receiving side's payment for the downloading has occurred. Based upon this information, the distribution side then performs the copyright

management.

As amended, claim 28 now recites that the system for distributing copyrighted works includes "a communication interface adapted to receive through a second transmission system downloading information, said downloading information identifying selected copyrighted works downloaded by said receiving facility, indicating that said receiving facility's downloading of said selected copyrighted works was authorized and indicating that an accounting has occurred for said receiving facility's payment for said downloading." This claim further recites "a processor, in communication with said memory and said communication interface, adapted to calculate, in response to said downloading information and on the basis of said downloading information and said copyright information, a copyright payment due each owner of the copyrights for the selected copyrighted works." Applicant's other independent claims have been amended to contain similar recitations.

The *Iida* "backchannel company" receives no such "downloading information." As discussed above, *Iida* performs all of the copyright management and accounting management together at the backchannel company. Claims 28 and 40 (and Applicant's other independent claims), therefore, and the claims that depend upon these claims, are patentable over *Iida*.

As a final matter, the Examiner has rejected under 35 U.S.C. § 103(a) dependent claims 2, 3, 11, 12, 20 and 21 for obviousness over *Stefik* and dependent claims 8, 17 and 26 for obviousness over *Stefik* in view of *Sprague*. As the Examiner states in the Official Action, *Sprague* merely discloses "satellite broadcast communication in an environment similar to *Stefik*." Since all of these dependent claims depend upon either independent claim 1, 10 or 19, all of these claims also are patentable over *Stefik* and *Sprague*, whether considered individually or in combination, for the same reasons discussed

above.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

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Respectfully submitted,

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Version With Markings to Show Changes Made

1. (TWICE AMENDED) A copyright management apparatus used for a copyrighted-work distribution-and-receiving system in which a distribution side generates ~~data from the contents of~~ copyrighted works and distributes the ~~data~~ copyrighted works through a given transmission path, and a receiving side pays a receiving fee for the copyrighted works ~~contents received in a~~ usable form in units of the contents, comprising:

copyright information storage means for storing copyright information related to the ~~copyright of a plurality of~~ contents copyrighted works, said copyright information including the identities of the copyrighted works, the identities of the owners of the copyrights for the copyrighted works and data related to the costs for downloading the copyrighted works at said receiving side;

receiving means for receiving ~~received contents~~ specifying downloading information, sent from the receiving side, ~~for specifying the contents distributed by the~~ distribution side and received by the receiving side said downloading information identifying selected copyrighted works distributed from the distribution side and downloaded at said receiving side, indicating that said receiving side's downloading of said selected copyrighted works was authorized and indicating that an accounting has occurred for said receiving side's payment for said downloading; and

copyright management means for performing copyright management related to the copyright for each ~~contents~~ selected copyrighted work in response to said downloading information and based upon said downloading information and the copyright information ~~stored in said copyright information storage means~~, said copyright management including calculating a copyright payment due each owner of the copyrights for the selected

~~copyrighted works and the received contents specifying information received by said receiving means.~~

2. (TWICE AMENDED) A copyright management apparatus according to Claim 1, wherein said copyright information storage means ~~comprises further stores:~~

~~a program identification information database in which for each contents is stored contents identifying information and distribution service identifying information, said program identification information including the identity of a television program featuring broadcasted copyrighted works transmitted from said distribution side, the identities of said broadcasted copyrighted works, a broadcasting time for said television program and the identities of channels on which said broadcasted copyrighted works are transmitted,~~ and

~~a copyright information database in which is stored for each contents the contents identifying information and the copyright information related to the contents,~~ and wherein said copyright management means also performs said copyright management based upon said distribution service identifying informationsaid program identification information.

3. (TWICE AMENDED) A copyright management apparatus according to Claim 2, wherein said copyright management means searches the program identification information database to obtain contents identifying information the identities of said broadcasted copyrighted works, refers to the copyright information database according to the obtained contents identifying information using said identities to obtain the copyright information of the corresponding contents, the identities of the owners of the copyrights for the selected copyrighted works and data related to the costs for downloading the selected copyrighted works at said receiving side and calculates a copyright fee to be paid to said owners ~~for the use~~

~~of the copyright corresponding to the contents according to the obtained copyright information.~~

4. (AMENDED) A copyright management apparatus according to Claim 1, wherein the ~~received contents specifying downloading information~~ is sent from the receiving side through a predetermined customer management center.

5. (TWICE AMENDED) A copyright management apparatus according to Claim 4, wherein the customer management center calculates a fee to be paid by ~~has a function of calculating a contents receiving fee to be claimed against a customer at the receiving side, according to the received contents specifying information~~ on the basis of said downloading information sent from the receiving side.

7. (TWICE AMENDED) A copyright management apparatus according to Claim 1, wherein the ~~contents~~ copyrighted works are enciphered and distributed to said receiving side.

9. (AMENDED) A copyright management apparatus according to Claim 1, wherein the ~~distributed contents~~ copyrighted works include ~~digitized musical piece information~~ musical pieces.

10. (TWICE AMENDED) A copyrighted-work distribution apparatus used for a copyrighted-work distribution-and-receiving system in which a distribution side generates ~~data from the contents of~~ copyrighted works and distributes the ~~data~~ copyrighted works through a given transmission path, and a receiving side pays a receiving fee for the copyrighted works ~~contents received in a usable form in units of the contents,~~ comprising:

~~contents~~—distribution means for distributing a plurality of ~~contents~~ copyrighted works through the transmission path;

copyright information storage means for storing copyright information related to the ~~copyright of a plurality of contents~~ copyrighted works, said copyright information including

the identities of the copyrighted works, the identities of the owners of the copyrights for the copyrighted works and data related to the costs for downloading the copyrighted works at said receiving side;

receiving means for receiving—received contents—specifying—downloading information, sent from the receiving side,—for specifying the contents distributed by the distribution side and received by the receiving side said downloading information identifying selected copyrighted works distributed from said distribution means and downloaded at said receiving side, indicating that said receiving side's downloading of said selected copyrighted works was authorized and indicating that an accounting has occurred for said receiving side's payment for said downloading; and

copyright management means for performing copyright management related to the copyright for each—contents—selected copyrighted work in response to said downloading information and based upon said downloading information and the copyright information stored in said copyright information storage means, said copyright management including calculating a copyright payment due each owner of the copyrights for the selected copyrighted works—and—the—received contents—specifying information received by said receiving means.

11. (TWICE AMENDED) A copyrighted-work distribution apparatus according to Claim 10, wherein said copyright information storage means comprises further stores+

a program identification—information database in which for each contents is stored contents identifying information and distribution service identifying information, said program identification information including the identity of a television program featuring broadcasted copyrighted works transmitted from said distribution means, the identities of said broadcasted copyrighted works, a broadcasting time for said

television program and the identities of channels on which said broadcasted copyrighted works are transmitted, and

~~— a copyright information database in which is stored for each contents the contents-identifying information and the copyright information related to the contents,~~ and wherein said copyright management means also performs said copyright management based upon said—distribution-service-identifying informationsaid program identification information.

12. (TWICE AMENDED) A copyrighted-work distribution apparatus according to Claim 11, wherein said copyright management means searches the program identification-information database—to obtain contents-identifying information the identities of said broadcasted copyrighted works,~~,~~ refers to the copyright information database according to the obtained contents-identifying information— using said identities to obtain the copyright information of the corresponding contents, the identities of the owners of the copyrights for the selected copyrighted works and data related to the costs for downloading the selected copyrighted works at said receiving side and calculates a copyright fee to be paid to said owners~~for the use of the copyright corresponding to the contents according to the obtained copyright information.~~

13. (AMENDED) A copyrighted-work distribution apparatus according to Claim 10, wherein the ~~received contents-specifying downloading~~ information is sent from the receiving side through a predetermined customer management center.

14. (TWICE AMENDED) A copyrighted-work distribution apparatus according to Claim 13, wherein the customer management center calculates a fee to be paid by ~~has a function of calculating a contents-receiving fee to be claimed against a~~ customer at the receiving side, ~~according to the received contents-specifying information~~ on the basis of said downloading information sent from the receiving side.

16. (TWICE AMENDED) A copyrighted-work distribution apparatus according to Claim 10, wherein the ~~contents~~ copyrighted works are enciphered and distributed to said receiving side.

18. (AMENDED) A copyrighted-work distribution apparatus according to Claim 10, wherein the ~~distributed contents~~ copyrighted works include digitized ~~musical-piece information~~ musical pieces.

19. (TWICE AMENDED) A copyrighted-work distribution-and-receiving system in which a distribution side generates data ~~from the contents of copyrighted works~~ and distributes the ~~data~~ copyrighted works through a given transmission path, and a receiving side pays a receiving fee for the copyrighted works ~~contents received in a usable form in units of the contents~~, comprising:

~~contents~~—distribution means for distributing a plurality of ~~contents~~ copyrighted works through the transmission path;

copyright information storage means for storing copyright information related to the ~~copyright of a plurality of contents~~ copyrighted works, said copyright information including the identities of the copyrighted works, the identities of the owners of the copyrights for the copyrighted works and data related to the costs for downloading the copyrighted works at said receiving side;

a receiving-side apparatus for receiving the copyrighted works distributed from said distribution means and for ~~sending—received contents specifying—information—~~ specifying the received contents downloading information, said downloading information identifying selected copyrighted works distributed from said distribution means and downloaded at said receiving side, indicating that said receiving side's downloading of said selected copyrighted works was authorized

and indicating that an accounting has occurred for said receiving side's payment for said downloading;

receiving means for receiving ~~the received contents specifying information sent~~ said downloading information from said receiving-side apparatus; and

copyright management means for performing copyright management related to the copyright for each ~~contents~~ selected copyrighted work in response to said downloading information and based upon said downloading information and the copyright information ~~stored in said copyright information storage means~~, said copyright management including calculating a copyright payment due each owner of the copyrights for the selected copyrighted works ~~and the received contents specifying information received by said receiving means~~.

20. (TWICE AMENDED) A copyrighted-work distribution-and-receiving system according to Claim 19, wherein said copyright information storage means ~~comprises~~ further stores:

a program identification ~~information database in which for each contents is stored contents identifying information and distribution service identifying information~~, said program identification information including the identity of a television program featuring broadcasted copyrighted works transmitted from said distribution means, the identities of said broadcasted copyrighted works, a broadcasting time for said television program and the identities of channels on which said broadcasted copyrighted works are transmitted, and

~~a copyright information database in which is stored for each contents the contents identifying information and the copyright information related to the contents; and wherein said copyright management means also performs said copyright management based upon said ~~distribution service identifying information~~~~ said program identification information.

21. (TWICE AMENDED) A copyrighted-work distribution-and-receiving system according to Claim 20, wherein said copyright management means searches the program identification-information database to obtain ~~contents-identifying information~~ the identities of said broadcasted copyrighted works, ~~+~~ refers to the copyright information database according to the obtained ~~contents-identifying information~~ using said identities to obtain the copyright information of the corresponding contents, the identities of the owners of the copyrights for the selected copyrighted works and data related to the costs for downloading the selected copyrighted works at said receiving side and calculates a copyright fee to be paid to said owners ~~for the use of the copyright corresponding to the contents according to the obtained copyright information.~~

22. (AMENDED) A copyrighted-work distribution-and-receiving system according to Claim 19, wherein the ~~received-contents-specifying~~ downloading information is sent from the receiving side through a predetermined customer management center.

23. (TWICE AMENDED) A copyrighted-work distribution-and-receiving system according to Claim 22, wherein the customer management center calculates a fee to be paid by ~~has a function of calculating a contents receiving fee to be claimed against a~~ customer at the receiving side, ~~according to the received-contents-specifying information~~ on the basis of said downloading information sent from the receiving side.

24. (AMENDED) A copyrighted-work distribution-and-receiving system according to Claim 19, wherein said receiving means ~~can also receives~~ customer information related to a customer at the receiving side.

25. (TWICE AMENDED) A copyrighted-work distribution-and-receiving system according to Claim 19, wherein the ~~contents~~

distribution means enciphers and distributes the ~~contents~~ copyrighted works to said receiving side.

27. (AMENDED) A copyrighted-work distribution-and-receiving system according to Claim 19, wherein the ~~distributed contents~~ copyrighted works include digitized ~~musical piece information~~ musical pieces.

28. (AMENDED) A system for distributing copyrighted works and managing payments owed as a result of the distributing to the owners of the copyrights in the copyrighted works, said system comprising:

a server adapted to serve said copyrighted works through a first transmission system to a receiving facility;

a communication interface adapted to receive through a second transmission system ~~indicia~~ downloading information, said downloading information identifying selected copyrighted works ~~selected~~ downloaded by said receiving facility, indicating that said receiving facility's downloading of said selected copyrighted works was authorized and indicating that an accounting has occurred for said receiving facility's payment for said downloading;

a memory adapted to store copyright information corresponding to each of said copyrighted works, said information providing the identity of the copyrighted work, the identity of the owner of the copyright for the copyrighted work and data relating to the cost for ~~selecting~~ downloading the copyrighted work by said receiving facility;

a processor, in communication with said memory and said communication interface, adapted to calculate, in response to said downloading information and on the basis of said ~~indicia~~ downloading information and said copyright information, a copyright payment due each owner of the copyrights for the selected copyrighted works.

31. (AMENDED) A system as in claim 28, wherein said copyright information further provides a copyright fee ratio.

36. (AMENDED) A system as in claim 28, wherein said second transmission system comprises a customer management center for receiving data from said receiving facility corresponding to the purchase of said selected copyrighted works and for transmitting said ~~indicia~~ downloading information to said communication interface.

38. (AMENDED) A system as in claim 28, wherein said selected copyrighted works are ~~downloaded~~ decrypted by said receiving facility.

39. (AMENDED) A system as in claim 28, wherein said processor is further adapted to store data identifying said copyright payment in said memory.

40. (AMENDED) A method for distributing copyrighted works and managing payments owed as a result of the distributing to the owners of the copyrights in the copyrighted works, said method comprising:

serving from a server said copyrighted works through a first transmission system to a receiving facility;

receiving at a communication interface through a second transmission system ~~indicia~~ downloading information, said downloading information identifying selected copyrighted works ~~selected~~ downloaded by said receiving facility, indicating that said receiving facility's downloading of said selected copyrighted works was authorized and indicating that an accounting has occurred for said receiving facility's payment for said downloading;

storing in a memory copyright information corresponding to each of said copyrighted works, said information providing the identity of the copyrighted work, the identity of the owner of the copyright for the copyrighted work and data relating to

the cost for ~~selecting~~ downloading the copyrighted work by said receiving facility;

calculating with a processor, in communication with said memory and said communication interface, in response to said downloading information and on the basis of said ~~indicia~~ downloading information and said copyright information, a copyright payment due each owner of the copyrights for the selected copyrighted works.

43. (AMENDED) A method as in claim 40, wherein said copyright information further provides a copyright fee ratio.

48. (AMENDED) A method as in claim 40, wherein said second transmission system comprises a customer management center for receiving data from said receiving facility corresponding to the purchase of said selected copyrighted works and further comprising transmitting said ~~indicia~~ downloading information to said communication interface from said customer management center.

50. (AMENDED) A method as in claim 40, further comprising ~~downloading~~ decrypting said selected copyrighted works from said receiving facility.

51. (AMENDED) A method as in claim 40, further comprising storing data identifying said copyright payment in said memory.